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## THE HUMANITARIANISM OF THE DEUTERONOMISTS

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As one passes from the old JE chronicles to the writings of the deuteronomists he finds himself among ardent humanitarians. The bards have given place to men of the prophetic type of mind. The art of the *raconteur* has yielded ground to that of the ethically alert exhorter and legislator. Avowed monotheists, the deuteronomists were profoundly interested in the purification and centralization of Yahvism and determined to root out all opposition thereto; but their intense devotion to their religious ideals did not keep them from an interest in man, at least the Hebrew man. Scholars differ as to the time to which they assign them, but all admit that whenever they lived, whether in the seventh century B.C. or the fifth, they certainly did not conceive their mission to be merely that of inaugurating a religious reform. They saw that many were impoverished and unprotected; that many were being injured by their fellows in life or in property; and that their people as a whole were wanting in moral leadership as they certainly were in spiritual guides. Hence, not being content to exhort, though they did exhort, they set themselves to edit the old chronicles of their people's past, and also to codify the old laws, decisions, and customs and to frame such legislation as the circumstances of their time seemed to demand. In the historical books, as we now have them, we come upon their editorial notes, stories, and addresses, and in Deuteronomy upon their hortatory discourses, often very suggestive, and their scattered enactments. Throughout their literary work they seem to have sought by exhortation, threat, curse, and story to wean their people from all worship of other gods and to make them zealous adherents of their new Yahvism; but they did not stop here. They came before their people as ardent humanitarians.

Among their people were many who naturally were regarded



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as dependents. Not considering it humane to leave them to the mercy of those who should have felt responsible for them, the deuteronomists saw to it that they were protected by law. In a nomadic, or even in a semi-nomadic, society the number of stray



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#### THE PROPHETS

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dependents is likely to be small. Clans and tribes in accordance with ancient customs have ways of caring for the weak and poor. But the deuteronomists, we are not to forget, were legislating for a society which though somewhat chaotic had long been settled in Canaan. Already there were foreigners in the land who had cast in their lot with Yahveh's people. Presumably these for the most

part were clients under the protection of certain Hebrews. Others may not have been so protected. Living as aliens in the land they were in constant danger of being preyed upon by their Hebrew neighbors. Their very presence in city or country was supposed to be warrant for their loyalty to Yahveh, though few efforts might be made to win them where they had not shown interest in the religion of Israel. But whatever their thoughts and their sentiments they were to be recognized as possessed of certain rights and were to be guarded therein. The earliest Hebrew code, the Book of the Covenant, forbade the vexing and oppressing of such aliens; and it also protected them in their right to the rest of the Sabbath (*Exod.* 22:21; 23:9, 12). This presumably had to do with the early days of the monarchy when the Hebrews had become one of the lesser world-powers and there was close touch with other peoples and the land of Canaan had proved a lure to many living among the older civilizations. But the deuteronomists were more specific than those who framed the Book of the Covenant; and they moreover went farther. Justice, they declared, was not to be denied the foreigner in their courts (27:19; cf. 1:16). Nor was one who chanced to be a hired servant to be treated inconsiderately (24:14, 17). He must be paid, like the hired Hebrew, his pittance daily; and he must in no way be oppressed (24:14 f.; cf. 5:14). The alien if poor was to be cared for as other poor were. The gleanings of the harvest must be shared with him (24:19). Then he was to have a part of the tithe levied every three years (14:29; 26:12 f.). It is admitted that under favoring circumstances the alien might prosper beyond the Hebrew neighbor (28:43). But whatever his estate he was to be loved by his Hebrew neighbors even as their God loved him (10:18 f.). Exacting as this must have seemed it nevertheless was incorporated in the priestly law long afterward (*Lev.* 19:34). At their great feasts such aliens as were making their home among them were to be allowed to rejoice before Yahveh (16:11-14). They also, if friendly, might stand with them when they entered into covenant with their God and when they listened to the reading of his law (29:11, 22; 31:12). The fact that interest could be exacted of them upon money or other property loaned them as it could not of a fellow-Hebrew

(15:3; 23:20), that the flesh of an animal which had died a natural death could be sold them as it could not one of their own people (14:21), and that there could be no intermarriages with the Hebrews (7:3) cannot be supposed to count for overmuch, because aliens would not look upon such statutes as unreasonable or as imposing any real hardship.

The fatherless and widow received their full share of consideration at the hands of the deuteronomists. Here the Book of the Covenant had been most outspoken. It had declared that they should not be afflicted, and reminded the people that if in any way they were oppressed by them Yahveh would certainly hear their cry and, his anger waxing hot, he would slay them with the sword so that their wives should be widows and their children fatherless (Exod. 22:22-24). This statute was not quoted by the deuteronomists, but apparently it was not overlooked, for they reminded their people that there was to be no perversion of judgment, these unfortunates must be justly treated always and at the local tribunals must not be turned aside because of their poverty (24:17 f.; 27:19). Their God, they are told, is one who shields the widows and the fatherless and executes judgment therefor (10:18). Especially were they to see that a widow's outer garments were not taken as a pledge or security for some petty debt (24:17). They were also to see that they had their share in harvest time (14:29; 24:19 ff.; 26:12 f.). The importance of this statute in their eyes appears in that they thrice mentioned it in their law book. They must also be allowed to bear a joyous part with them in all Passover and Tabernacle feasts (16:11, 14). Widows with children were left free to marry if asked; those without were provided for by the levirate (25:5 ff.). All these separate enactments must have had much to do with ameliorating the lot of these poor unfortunates; but it is presumable that the thought that they were under the special oversight of their God counted for more among the Hebrews, as, indeed, the loving way in which Jesus not only espoused the cause of the poor but identified himself with them has opened the hearts and purses of tens of thousands and done more than anything else to lift Christian charity to an enviable place in the philanthropic work of the world.

Like the widows and orphans the poor generally were most considerately protected by the deuteronomists. The people were reminded that they were not to harden their hearts against them; nor were they to shut their hands. Rather were they to open them widely and to give generously, even gladly (15:7-11). Just here we come upon one of those curious inconsistencies of the Book of Deuteronomy that reveal that it must have passed through different hands ere reaching its present form. They are given to understand that a time of prosperity is coming when there will be no poor in the land; yet a little farther on we read that the poor shall never cease out of the land (15:4, 11). In case of loans to the poor there must be considerateness in exacting pledges. Having received such pledges as the poor were able to make most easily they were to see to it that the pledged articles or garments were given back at nightfall. Millstones were exempt; because essential to the life of the poor, they were not to be taken in pledge (24:6, 10-13). Manifestly humane was the provision that such should not be oppressed, but should be paid at the close of the day the pittance which of right came to them for their work (24:14 f.). Servants, whether bond or free, were not to be worked on the weekly Sabbath (5:14). They, moreover, were to be allowed to rejoice with the Hebrews, as were the aliens, before Yahveh at their great feasts (12:18; 16:11). It must be confessed that the deuteronomists seem to have done little to encourage slavery. An escaped slave was not to be returned to his master; he must be allowed to dwell with him to whom he had fled, or at least among those in the place which he had chosen; while those guilty of stealing Hebrews and throwing them into slavery were to forfeit their lives (23:15 f.; 24:7).

It would seem that the most of the debtor class were poor. Hence the provision that interest was not to be exacted; and also the provision that in the seventh year, the year of release, the Hebrew debtor was legally freed from his obligation (23:19 and 15:1 ff.). This law, they were told, was to be operative so long as there were poor in the land. Even the Hebrew slave was to be set free on the seventh year in accordance with an early enactment (15:12; Exod. 21:2). This statute of the Book of the Covenant was

endorsed by the deuteronomists, who went so far as to provide that the slave should not leave his master empty-handed. He must be given grain and wine and must receive of the flock enough to establish him in his new life, a most benevolent provision. But, as was the case in the earlier code, if he expressed the wish to remain in servitude he was to be allowed so to do (15:12 ff.). The enactment against interest, it should be noticed, had to do with food supplies and whatever was loaned to satisfy another's need as well as money. This went further than the earlier statute in which only money was named (Exod. 22:25). We are hardly warranted in saying that the deuteronomists regarded money, as men regarded it in mediaeval times, as dead capital, as unproductive, for they had no hesitation in allowing their people, as we have seen, to exact interest of aliens.

These deuteronomists as the foes of the old local shrines, or high places, and as the friends of a centralized worship were most considerate in providing for the Levites who had been community priests here and there, presumably at local shrines, throughout the land. Not a solitary one of these was to be ignored if he left home and offered himself as a servant of Yahveh. Priestly duties were to be assigned him and provision made for his maintenance (18:6-8). The Levites were men without a patrimony: they had no inheritance in the land, hence, we are told, provision must be made for them (18:1 ff.; 26:11-13; cf. 10:8 ff.). This thought that the supposed tribe of Levi was originally without landed property seems to have been a late conception; perhaps because the clan or tribe of Levi was conceived to have been hopelessly shattered near the time of its entrance into Canaan so that thereafter only stray Levites were left to serve as local priests as they had opportunity. It would seem that Levites who performed priestly functions during the days of the kings might have accumulated some property, landed and other, and that the deuteronomists made it a rule that such patrimonies should be surrendered that they might cut themselves aloof from their old environments and devote themselves wholly to their duties at the central sanctuary (18:8). What we are specially interested to note is that the deuteronomists did not neglect these men who had been engaged

in sacrificial services which were abhorrent to them, but thoughtfully made ample provision for their maintenance and also gave their central sanctuary into their hands, for they were the only priests who had any part in their ecclesiastical scheme. Their disposition toward them appears moreover in the fact that they wished the very feasts in which they officiated to be to them feasts of gladness (12:12, 18; 16:11 ff.).

The hired servants and slaves were not the only members of their families who were included by the deuteronomists in their legislation. They took thought for wives and children as well, not wishing to leave it wholly to the heads of families to do as they would with these more helpless ones. Provision was made for protecting a newly married young woman of whose chastity the husband had suspicions. However inadequate the tests before the constituted authorities may seem they reveal the sincerity of the spirit of those who thus legislated (22:13 ff.). Divorce was made very easy; but the husband could not, if a wife had been found ill-favored in his eyes because of some blemish, send her forth without a written statement that was in the nature of a certificate of character and at the same time a clearance that made it possible for her to wed again (24:1 ff.). In case a man had two wives, both of whom had borne him children, he was not to be allowed to treat unfairly his first-born son, if he chanced to be a son born of a hated wife. The rights of such a son must be regarded by the father, whatever his personal wishes might be (21:15 ff.). A young woman, taken in war and made a concubine, could not, if unsatisfactory, be sold as a common slave. The captor must let her go whither she would. He could not humble her and then sell her as one possessed of no rights whatever (21:11 ff.). The newly wedded wife was not to be deprived of her husband should war arise shortly after he had espoused her. He must be excused from military service under the circumstances (20:7; cf. 24:5). It is true that this exemption from military service opened a way of escape for the young Hebrew who wished to avoid conscription; he had only to take to himself a wife when a foreign campaign seemed imminent; for the deuteronomists were so benevolently disposed toward the cowardly and faint-hearted

that they permitted all such to return home after once they had come to realize their moral insufficiency to a martial life (20:8). Yet a wife was no more to be shielded than a friend or a brother, a son or a daughter, in case she lured her husband from the worship of the God of his fathers to the service of other gods. She must be given up to the people to be stoned to death (13:6 ff.).

At a time when leaders in religious reform were wont to overlook children, these humane teachers did not overlook them. Frequently they reminded fathers that they were to teach Yahveh's law unto their children (4:9 f.; 6:7; etc.). They also declared that it behooved them to walk circumspectly in order that their children after them might be blessed (4:40; 12:25, 28). Fathers were not allowed to put their children to death, whatever their offense (24:16). It was taken for granted that the father would bear with and considerately treat his children; but that he would not fail to correct the disobedient (1:31; 8:5). In case a refractory son remained stubborn the parents must take him before the local court for discipline. In severe cases the refractory one might be put to death by the properly constituted authorities (21:18 ff.). They also provided that children who treated their parents with disrespect, with godless levity, should not be allowed to live (27:16 ff.). All children must hold their parents in esteem and treat them honorably (5:16). Yet at Passover and other feasts the children must be permitted to share in the general joy (12:12; 16:11, 14). The tithes which were to be eaten before Yahveh at the central sanctuary were to be shared with their children as well as with the priests and foreign clients (12:18; 14:23). Moreover, from assemblies on special religious occasions children were not to be barred out (29:11). Heads of families must see to it that their children were not made to work on the Sabbath. To both sons and daughters it must be a day of rest (5:14). Nor should they wrong them by giving them in marriage to neighboring peoples (7:3 f.). The deuteronomists were none too friendly to other peoples than their own; but one feels that their opposition to foreign marriages was in no small measure owing to the fact that such expatriation seemed to them a wrong to the sons and daughters sent abroad. With their abhorrence of child sacrifice

and their stringent prohibition of it we can sincerely sympathize (18:10; cf. 12:29 ff.). It was one of the crying enormities of those times; and the critical student of Hebrew life under the monarchy, both north and south, who is fully aware of the terrific extent to which such evils were practiced, can but commend these teachers for their stand just here. They were very considerate concerning the first-born son of a hated wife; but showed no mercy toward a child that lured a father from the worship of Yahveh (13:6 ff.). Ordinarily the deuteronomists sought to spare the children of a conquered city, presumably not alone for humanitarian reasons but because such might safely in case of sparse population be incorporated in the social body and become a part of the true Israel (20:14).

The deuteronomists seem to have endeavored by their legislation to protect their people in their lives and property. There must be no fraud in weights and measures (25:14 ff.). A man whose ass or ox had fallen in the way must be rendered assistance. His fellow-Hebrew must not unfeelingly pass by, ignoring him in his need (22:4; cf. Exod. 23:5). Theft was emphatically prohibited, (5:19). Domestic animals, when they strayed from home, must be returned, or held, if this could not be done, until their owner came for them (22:1 ff.; cf. Exod. 23:4). It may seem strange that the deuteronomists required the return of a domestic animal that had strayed while a runaway slave was not to be taken back to his master, but it is likely that they supposed a slave would not escape if he had been humanely treated. His running away was probably considered evidence of ill-treatment.

A curse was pronounced against those who made the blind to wander out of the way (27:18); also against him who removed his neighbor's landmarks (27:17). The first offense was peculiarly reprehensible, for the condition of a misled blind person is indeed pitiable; while the second offense was one that would prove specially exasperating in a settled country where, as in Canaan, the fences were few (19:14). A curse was also pronounced upon him who secretly smote his neighbor (27:24; cf. 19:11). It was vain for such an offender to escape to one of their cities of refuge, for at the hands of the avenger of blood he must be put to death;

while one who unwittingly smote another might flee thither and be acquitted (4:42; cf. 19:4 f.). It is supposed that the deuteronomists were responsible for the expansion of the tenth commandment as they were for that of others, as the fourth and fifth. If so they themselves first forbade coveting or lustng after a neighbor's wife and property (5:21). In their provisions for the treatment of certain dreaded diseases and their sanitary regulations these reformers were certainly most humane (24:8 f.; 23:12 ff., etc.). Adulterers were to be put to death; and most stringent laws were promulgated that were designed to protect women (22:16 ff., 22). Yet a damsel who had been secretly lewd was to be stoned to death if detected (22:21). Prostitutes were not allowed to live (23:17 f.). Such a statute may seem a hard one to be credited to humanitarians; but he who stops to reflect upon what a terrific battle the prophets were forced to wage against social impurity will feel that it was not enacted without humanitarian motives. Surely the larger interests of society were considered.

While the bastinado is deemed by us a most brutal form of punishment it is worthy of note that the deuteronomists limited the number of lashes which might be inflicted (25:3). Even the criminal that was hanged did not escape their consideration. His body could not be exposed a second day (21:22 f.). In warfare they were not to destroy wantonly those trees upon which man depended for sustenance (20:19 f.). One of the worst things about ancient warfare was the loss and consequent suffering entailed by such destruction. Often the devastation was terrific where the actual loss of life was small. Armies invaded a neighbor's territory with the intention of destroying the means of sustenance rather than with the expectation of capturing and destroying his cities. There was to be no escape for one who lodged false charges against another: as he would that others should suffer he must suffer in body or in estate (19:16 ff.; cf. 5:20). Most painstaking efforts were to be made to get at facts before the proper authorities. Ordinarily two witnesses must be brought forward in any civil or criminal suit (19:15; cf. 17:6). There was to be a supreme court of appeal in important or difficult cases. Such cases were to be carried to their metropolis, to their central sanctuary (17:8).

The provision for cities of refuge to which the man-slayer might flee and where his case might be considered dispassionately was one of the most humane enactments of their code (4:41 ff.; 19:4 ff.). If with Dr. Gray ("Numbers," *I.C.C.*, 464 ff.) and with Dr. Kent (*Beginnings of Hebrew History*, I, 291-94) we regard the allusions to Levitical cities of refuge in Num. and Josh. as belonging to the priestly narrative, we are left to suppose that the deuteronomists either were the first to recognize them or the first to enact legislation necessitating the setting apart of such cities. This latter supposition seems to be entirely in harmony with the history of the kings of Israel and Judah; for nowhere do we find the man-slayer fleeing to such a city of refuge. Rather he escapes to some shrine or local sanctuary.

In one direction the deuteronomists are thought to have been merciless: in their violent opposition to all image-worshippers and to all who adhered to other gods than Yahveh. As reformers this had been their main contention. Here unequivocally they had placed their emphasis. Their many editorial notes as compilers or revisers of J and E had to do largely with their new Yahvism and their efforts to extirpate old forms of worship, the local sanctuaries and their rites, and everything that had to do with other gods than their own. That Yahveh should be sought at a central sanctuary was not so much because they localized him in thought as because they felt that they could more easily control the character of his worship. As Dr. Driver has said: "Worship at different places would tend (as in the case of Ba'al, and many other ancient deities) to generate different conceptions of the God worshiped, and might even lead to the syncretistic confusion of Jehovah with other deities. The concentration of worship in a single spot was thus a necessary providential stage in the purification of the popular idea of God" ("Deuteronomy," *I.C.C.*, Introd., xxix). While we recognize this statement as valid we must not overlook the nature of their propaganda. They seem to have expected that fire and sword would be used in ridding the land of all traces of the worship they abhorred. It pleased them to imagine Yahveh to have given command through Moses for the extermination of numerous peoples, as those of Heshbon, of Bashan,

and of Canaan (2:30 ff.; 3:1 ff.; 7:1 ff.; 20:16 ff.; cf. parallel passages in Num. and Josh., most of which are deuteronomistic). In the case of the latter the reason for the proposed extermination was given: "For they will turn away thy posterity from following me, that they may serve other gods." The reasons given for sparing the Moabites and the Ammonites must have seemed valid to the contemporaries of the deuteronomists, though hardly plausible to us (2:4 ff., 9, 19). Indeed provisions were made for the reception of descendants of these people into Israel, provisions which point to the fact that the Book of Deuteronomy was written prior to the time when they made themselves to be detested by the struggling people of Judea. This presumably was long after the fall of Jerusalem. It may have been in the Greek period. The deuteronomists could safely represent Moses as having given command to extirpate the Canaanites because by the deuteronomist period the Canaanites had so intermarried with the Hebrews that they had become entirely absorbed. It is not necessary to suppose that such an imaginative writing of their people's past, though they made it appear on the whole to be a very bloody one, really made their contemporaries more cruel. Few may have ever suffered death at the hands of men under deuteronomic influence. Even the story of Josiah's drastic reformation is probably a deuteronomic story, without any basis of fact, published one hundred or more years after that king's time. It is true that they did enact a statute that provided for the punishment of all who were found worshiping other gods and those who lured members of their families from the service of Yahveh (7:2 ff.; cf. 13:6 ff.). Death by stoning was to be the penalty; but it is doubtful if it was enforced; if, indeed, there was occasion for it. While, then, the provisions of Deuteronomy having to do with religious nonconformity were severe, serious as were the interests imperiled, it is likely they were made so largely for purposes of intimidation, and that at heart these men were more humane than their ecclesiastical statutes make them to appear.

The fact should not be overlooked that this school of reformers, who deserve to be named with the writing prophets, as creators of post-exilic Israel, in setting themselves to abolish the local sanc-

tuaries and the abominations for which they were responsible, did make provision for the slaughter of animals at home: "Notwithstanding thou mayest kill and eat flesh in all thy gates, whatever thou dost desire, according to the blessing of Yahveh thy God which he hath given" (12:15; cf. v. 21). This was thoroughly in keeping with the humanitarian thoughtfulness of the deuteronomists.

Nothing that has been brought out in this paper seems, in the thought of the writer, to militate against the conviction that the deuteronomists, however old many of their laws may have been, and some as we have seen were taken bodily from the Book of the Covenant, did not live and labor before the fall of Jerusalem, as most scholars surmise. It was as one of the early waves of the returning exile that they found their opportunity of winning the people to their new Yahvism. In doing this, as men profoundly humanitarian, almost as much so as the early writing prophets, they sought to soften and humanize the lives of their people. If, as pious Zionists, they made a notable contribution to the religion of Israel, they none the less did much as ardent humanitarians to civilize their people and make them prosperous and happy.